

REMARKS

Claims 1-27, 31 33-35, 37-39, and 41-43 are pending. Claims 1, 12, 25, 34, 38, and 42 are currently amended. Claims 32, 36, and 40 are canceled. Claim 43 is new. The amendments are supported throughout the specification – in particular, at pars. [0023] – [0039] and FIGS. 2-4.

The following remarks are in response to the Office Action mailed August 19, 2008.

Claim Rejections – 35 U.S.C. § 102

Claims 1-6, 8-9, 11-17, 19-20, 22-27, and 31-42 stand rejected as anticipated by U.S. Patent No. 6,173,272, to Thomas et al. (“Thomas”). These rejections are respectfully traversed, for the reasons provided below. Moreover, Applicant incorporates herein by reference the remarks made in the previous response regarding Thomas and Dively.

Claims 1-27, as previously amended

First, the rejections of claim 1 under sections 102 and 103 are inconsistent. In order for a rejection under section 102 to be proper, all limitations of the claim must be disclosed by a single reference. But the Office Action admits that Thomas fails to teach all limitations of claim 1. See page 9 of the Office Action: “Thomas does not directly show the unique identifier [of claim 1].” Thus, the section 102 rejection is improper on its face, and Applicant respectfully requests reconsideration and withdrawal.

Second, the Office Action overlooks several limitations of claim 1. Indeed, it appears that much of the present Office Action is copied from the previous (February 12, 2008) Action, and that due consideration has not been given to the numerous claim amendments made in Applicant’s response to that Action.

For example, claim 1 was amended to require an account configured to allow withdrawals only by the account holder – but the Office Action fails to address that limitation. Claim 1 also was amended to require receiving data over a network of payment networks. The Office Action also ignores that limitation.

More strikingly, limitations that were canceled in the previous Response continue to be addressed in the present Office Action. For example, the “publicly available” limitation was canceled, but the Office Action addresses that canceled limitation in the rejections of claims 1, 12, and 25.

Since several limitations of the claims are not addressed, (and non-existing limitations continue to be addressed), Applicant respectfully requests reconsideration and withdrawal of the rejections of claims 1, 12, and 25 (under both sections 102 and 103). Since those independent claims were improperly rejected, reconsideration and withdrawal of the rejections of dependent claims 2-11, 13-24, 26-27, and 31-42 also is respectfully requested. In any event, Applicant respectfully requests that due consideration be given to each limitation of the claims in their present form.

Claims 31-42

The Office Action does address the claims (31-42) added in the previous Response. However, the rejections of those claims should be reconsidered and withdrawn because: (a) as noted above, the rejections of dependent claims 31-42 depend upon the improper rejections of independent claims 1, 12, and 25; and (b) the rejections of claims 31-42 are not supported by the references.

For example, regarding claim 32, the Office Action asserts that Thomas teaches wherein the Internet portal is a search engine with no sign-in requirement to users of the Internet, citing Thomas at col. 22, lines 26-51. But this assertion is incorrect. Column 22, lines 26-51 may not explicitly mention a sign-in requirement, but the succeeding lines (61-64) clearly describe that requirement: “To utilize the system, a consumer logs in at the bill presentment site, or alternatively, uses a secure browser and certificate issued by his or her bank. After being successfully authenticated at the bill presentment server . . .”

Thus, the rejection of claim 32 (and corresponding claims 36 and 40) is unsupported. Thomas’s system clearly requires an Internet user to sign-in on a portal, and thus cannot teach the limitations of claims 32, 36, and 40. Those claims have now been canceled, but since their limitations are incorporated into the independent claims, Applicant respectfully requests reconsideration and withdrawal of those rejections.

Similarly, claims 33, 37, and 41 require a portable computing device, and claims 34, 38, and 42 require a cellular telephone accessing an Internet portal. The Office Action cites col. 9, line 61 – col. 10, line as teaching these limitations. But those lines merely discuss a user computer using a modem over a telephone line to access a bank computer – they say nothing about accessing an Internet portal via a cellular telephone or any other portable computing

device. Thomas does not mention using a telephone touch-tone keypad (see col. 9, lines 49-50), but not in the context of accessing an Internet portal. Thomas does not mention any sort of portable computing device or cellular telephone. Therefore, the rejections are unsupported, and Applicant respectfully requests reconsideration and withdrawal of the rejections of claims 33-34, 37-38, and 41-42.

Claims 1, 12, and 25, as currently amended

Claims 1, 12, and 25 are currently amended. However, as explained above, these amendments are not necessary in order to overcome the current rejections.

As amended, claim 1, for example, has the further limitation of “registering said unique identifier with a plurality of registrars, each associated with a different payment network in said network of payment networks.” This limitation is neither taught nor suggested by Thomas or the cited references. Thomas teaches using only a single trusted third party, which uses only one payment network (ACH).

Nor does Thomas teach the “real-time” notification limitation of claim 1. Thomas teaches only “batch” processing of transfers via ACH. This allows banks to “float” payments for some time. By using real-time notifications, the claimed invention reduces the ability of banks to delay payments/credits and thus provides an added benefit to payors and payees.

Moreover, Thomas fails to teach non-repudiable payments, fails to teach registrars being limited to financial institutions, and fails to teach the claim 43 limitation of aggregating a plurality of registrations.

For at least the reasons provided above, the pending claims are believed to be allowable over the cited references.

No fee is believed to be due with this Response. However, if any other fee is due, please charge that fee to Deposit Account No. 50-0310.

Respectfully submitted,

December 22, 2008


Steven D. Underwood, Esq.
Registration No. 47,205
MORGAN, LEWIS & BOCKIUS LLP
101 Park Avenue
New York, NY 10178-0060